IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7744 of 2007()

CRIME NO. 176/07 OF VALAYAM POLICE STATION
CMP.5427/2007 of J.M.F.C.,NADAPURAM

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PETITIONERS/A4 TO 9

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1. MAKKUL SHOUKKATH,S/O.ABDULLA,
AGED 28 YEARS, CHEKKIAD AMSOM,DESOM,
PARAKKADAVU.

2. EANEEFA, S/O.MOIDU, AGED 27 YEARS,
POONKUNNUMMAL HOUSE, CHEKKIAD AMSOM DESOM,
PARAKKADAVU.

3. USMAN @ UNDA USMAN, S/O.ABDULLA,
AGED 35 YEARS, KOYILOTH HOUSE,
CHEKKIAD AMSOM DESOM, PARAKKADAVU.

4. ISMAIL, S/O.ABOOBACKER, AGED 19 YEARS,
RAYAROTH HOUSE, CHEKKIAD AMSOM DESOM, PARAKKADAVU.

5. MUTHALIF, S/O.MOOSA, AGED 19 YEARS,
KUNIYIL HOUSE, CHEKKIAD AMSOM,
THANAKKOTTU DESOM.

6. ASKAR, S/O.MOIDU HAJI, AGED 21 YEARS,
MULLERIKUNIYIL HOUSE, CHEKKIAD AMSOM,DESOM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE CI OF POLICE,
VALAYAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7744 of 2007

Dated this the 14th day of December, 2007

ORDER

Application for regular bail. The petitioners are accused 4 to 9. They face allegations in a crime registered for offences punishable, inter alia, under Secs.308 and 395 of the IPC. 15 persons have by now been arrayed as accused. There is scope for inclusion of many others on going by the nature of allegations made. The petitioners were arrested on 4/12/07. They continue in custody from that date.

2. The crux of the allegations against the petitioners is that an Assistant Sub Inspector of Police, who was returning along with two friends of his in a car belonging to one of those friends, found certain persons allegedly consuming liquor on their way. The vehicle was stopped. The Assistant Sub Inspector of Police allegedly went to such persons. They resisted the attempts of the Sub Inspector in civil dress to interfere with their activities. There was a push and pull.

Someone of the miscreants allegedly called some others over the phone. A group of persons came in another vehicle. They took the Sub Inspector to task. He was allegedly assaulted. Further, some personal belonging of the Sub Inspector were forcibly taken away. A crime has been registered. Investigation is in progress.

3. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The allegation under Sec.308 of the IPC has been introduced with absolutely no bona fides. The want of bona fides is eloquently declared in the sequence of events which can be seen from the facts alleged. The inclusion of Sec.308 of the IPC shows clearly the want of bona fides on the part of the police official. No serious injury whatsoever has been suffered by the alleged victim – the Assistant Sub Inspector of Police. The learned counsel for the petitioners submits that the attempt transparently is to cover up the misdeeds of the police official.

4. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor fairly submits that the State has no objection against the grant of regular bail to the petitioners who have remained in custody from 4/12/07. I reckon that as an

informed and reasonable stand taken by the learned Public Prosecutor. I am satisfied that the petitioners can be granted regular bail.

5. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge